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urgent ☐ return reply requested ☐ original will be sent as confirmation ☐

DATE: October 7, 1997

PHONE No.: (703) 308-4242 or 305-3014

PAGES: 2 (including this cover sheet)

TO: U.S.P.T.O.

ATTN: Examiner Eisenschenk

FROM: Lawrence B. Bugalsky
Reg. No. 35,086

RE: U.S. Patent Application

Appl. No. 08/380,200; filed: January 30, 1995

For: New Protein-Polycation Conjugates
Inventors: Birnstiel *et al.*

YOUR REF: 08/380,200

OUR REF: 0652.1080001/RWE/JMC

MESSAGE:

Attached is a letter.

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TELEPHONE NUMBER
(202) 371-2600

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(202) 371-2540

INTERVIEW OF OCTOBER 8, 1997
(Appl. No. 08/380,200, filed January 30, 1995 - 0652.1080001)

Examiner Eisenschenk: You requested a brief summary of what I wanted to discuss during the interview on Wednesday, October 8, 1997. Please do not put this summary into the record. I would also like to request, that if possible, we meet at 10:30 rather than 10:00. Please call me at (202) 371-2589 if the change in time is not convenient.

Claims to be discussed = 1-20, 28-29, 32-34 and 36-40.

Concentrating on two independent claims - 1 and 17. Claims have previously been amended to eliminate reference to transferrin receptor.

1. New protein-polycation conjugates which are capable of forming, with nucleic acids or nucleic acid analogues, soluble complexes which are absorbed into human or animal cells, characterized in that the protein component of the conjugates is a protein capable of binding to a cell surface protein other than the transferrin receptor expressed by cells of the T-cell lineage, so that the complexes formed are taken up into cells which express the T-cell surface protein.

17. New protein-polycation/nucleic acid complexes which are absorbed into human or animal cells, characterized in that the protein component of the conjugates is a protein capable of binding to a cell surface protein other than the transferrin receptor expressed by cells of the T-cell lineage, so that the complexes formed are taken up in cells which express the T-cell surface protein.

Issues:

1. The primary references, Wu *et al.*, and Wagner *et al.*, do not teach "the use of T-cell specific antibodies for the targeting of polycation-nucleic acid complexes into cells." (O.A. of 12/24/96, page 2, paragraph 16). Do the secondary references eliminate this deficit? - NO! Even assuming, *arguendo*, that the applied art eliminates the deficit, would there have been a motivation to combine the art to obtain the claimed invention? - NO!

2. Issues raised in the response filed May 27, 1997, but not addressed in the Advisory Action of June 23, 1997.

Art to be discussed: All art cited in the office action of December 24, 1996, but concentrating on:

1. Wu *et al.*
2. Wagner *et al.*
3. Goers *et al.*

Case law to be discussed:

In re Payne, cited by the Examiner at page 4, first full paragraph of O.A. of December 24, 1996.

In re Baird, cited by Applicants at page 4, first full paragraph of the response filed May 27, 1997.

In re Jones, cited by Applicants at page, second full paragraph of the response filed May 27, 1997